



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|--------------------|
| 09/994,661 | 11/28/2001 | Kurt Graber | 111113 | 8433 |
| 25944 | 7590 | 12/23/2003 | | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | EXAMINER TAWFIK, SAMEH | |
| | | | ART UNIT 3721 | PAPER NUMBER 17 |
| DATE MAILED: 12/23/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,661

Applicant(s)

GRABER ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-9, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation “the predetermined section” in line 2. There is insufficient antecedent basis for this limitation in the claim.

(claim 9, lines 1 and 2) “...,wherein the sheet is braked before being deposited...” is vague, indefinite, and/or confusingly worded because it is not clear what applicants are referring to by “the sheet is braked”; do applicants mean cutting separate sheets from web roller?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutscher Drucker.

Drucker, discloses a method of producing a newspaper having at least one section which is formed at least from one centrally folded printed sheet the method comprising printing the sheets which form a copy of the newspaper sequentially one after the other by using a digital

Art Unit: 3721

printing machine, each of the sheets bears a different printing (first line under the title of the invention) and/or applicants admitted in the background of the invention (specification page 2, lines 7-9) "...Digital printing machine, e.g. laser printers or ink-jet printers, in which a plurality of different pages can be printed sequentially,, are known."; feeding the sheets (1) that belong to the at least one individual section of the newspaper continuously one by one to a first collecting station (Fig. 1; via 1C); positioning the sheets that belong to the at least one individual section of the newspaper one above the other to form a sheet stack (Fig. 1; via 1C); conveying away the sheet stack from the first collecting station (Fig. 1; via to station 2); folding the sheet stack in order to produce the section (Fig. 1; via folding station 3); depositing the section on a second collecting station such that it comes to rest on an already deposited section (Figs. 1 and 3); repeating the steps until all the sections of the newspaper have been completed and positioned one upon the other to form a section stack (Fig. 1; via D). Drucker does not directly point out to producing a newspaper. However, Drucker discloses the method of producing

"Nischenprodukte" in the German language, which as translated in Wahrig D.W. ISBN 3-57710445-5 as "Product manufactured in small series, which product due to its character as its exclusiveness can only exist in a limited field of the market"; the examiner believes such "Nich product" can be considered as newspaper.

Regarding claim 3: the section stack is folded in the center (Fig. 1; via folding station 3).

Regarding claims 4: the sheets of the sheet stack are releaseably connected to one another in order to be conveyed away (Fig. 3).

Regarding claim 5: at least one printed product is fed to the second collecting station which is positioned and deposited on the section (Figs. 1 and 3).

Art Unit: 3721

Regarding claim 6: at least one printed product is fed to the collecting station and positioned on "the newspaper sections" (Figs. 1 and 3).

Regarding claim 7: Drucker does not disclose that the sheets of a width of from 420 to 508 cm and of a length of from 580 to 760 cm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Drucker's method of producing newspaper by having the sheets of a width of from 420 to 508 cm and of a length of from 580 to 760 cm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claim 8: Drucker does not disclose that the sheet stack is conveyed away from the first collecting station at a speed which is greater than the speed of the sheets fed to the first collecting station. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Drucker's method by conveying the sheet stack in two different velocities, as a matter of engineering design choice, since applicants have not disclosed that the sheet stack is conveyed away from the first collecting station at a speed which is greater than the speed of the sheets fed to the first collecting station solves any stated problem or is for any particular purpose and/or the examiner takes an official notice that conveying product or stack of sheets with different velocity within a machine is old, well known, and available in the art.

Regarding claim 9: the sheet "is braked before being deposited" in the first collecting station, see for example (Figs. 1 and 3).

Art Unit: 3721

Conclusion

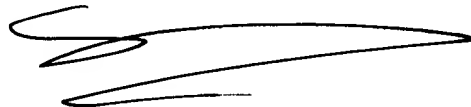
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Michalik et al. 6139003, Lowing 5813568, Mills 5372386, and Milo 4863152 disclose different method of producing a newspaper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



ST.